THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 8606 of 1998

DATE: 17-01-2007

Between :

S.Jayakar

… Petitioner

And

The District Collector,
Mahabubnagar District and antoher.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 8606 of 1998

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in acquiring the land situated in Sy.No.203/1 of Uttarasipally village, Kondurgu Mandal, Mahabubnagar District is arbitrary and illegal.

The petitioner claims to be the owner of Ac.1.30 guntas of land situated in Sy.No.203/1 of Uttarasipally village. It is claimed that the respondents herein, having initiated proceedings under the Land Acquisition Act, 1894 (for short 'the Act') in respect of Ac.1.40 cents of land situated in Sy.No.203 belonging to one P.Manikya Reddy, have been high-handedly trying to dispossess the petitioner. It is alleged that no proceedings were initiated at any point of time in respect of the land in possession of the petitioner and therefore, the action of the respondents in trying to dispossess the petitioner is arbitrary and illegal.

In response to the notice ordered by this Court, the Land Acquisition Officer-cum-Revenue Divisional Officer, Mahabubnagar filed a counter affidavit stating that the notification under Section 4(1) of the Act, dated 11-01-1996, was published in accordance with law in respect of 90 cents of land situated in Sy.No.202 and Ac.1.40 cents situated in Sy.No.203. The declaration under Section 6 of the Act was also made on 26-01-1996 and thereafter award enquiry was conducted and award was passed under Section 11 of the Act on 30-09-1996. The possession of the land was taken on 14-02-1996 and the plots were handed over to the beneficiaries. It is also specifically

pleaded that the petitioner participated in the award enquiry and never raised any objection.

I have heard the learned counsel for both the parties and perused the material on record.

Even according to the petitioner, the land possessed by him is situated in Sy.No.203/1 i.e. part of Sy.No.203. The Form 7 notice under Section 9 and 10 of the Act, contains the name of the petitioner showing him as pattedar and occupant of the land in Sy.No.203 to an extent of Ac.1.40 cents.

If the petitioner disputes the said version and claims that the land in his occupation is different from the land, which was sought to be acquired, it is for him to establish the said fact by producing the necessary evidence before the appropriate forum. Such disputed question of fact cannot be enquired and decided by this Court in writ proceedings. Hence, the *Mandamus* as prayed for cannot be granted.

Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to work out the appropriate common law remedy if so advised for redressal of his grievance. No costs.

_____

G. ROHINI, J.

Dt. 17-01-2007

KLP